

AN ORDINANCE 100740

APPROVING OR CONSENTING TO A PROPOSED ASSIGNMENT OF THE RECYCLING PROCESSING SERVICES CONTRACT BETWEEN VISTA FIBERS OF SAN ANTONIO, LTD. ("VISTA FIBERS") AND THE CITY OF SAN ANTONIO, TO MID-AMERICA RECYCLING COMPANY UPON COMPLETION OF DUE DILIGENCE TO CONFIRM THE PROPOSED ASSIGNEE IS COMPETENT TO PERFORM.

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WHEREAS, on June 24, 2004, the City Council approved Ordinance No. 99368, enabling the City to enter a seven (7) year recycling services contract with Allied Vista, Inc., doing business locally as Vista Fibers of San Antonio, LTD (Vista Fibers), under allied Vista General Partner, LLC ; and

WHEREAS, the owner desires to sell Vista Fibers to Mid-America Recycling Company, a Delaware corporation, and the City is satisfied Mid-America Recycling Company is competent to perform; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The contract between the City of San Antonio and Vista Fibers of San Antonio, Ltd (Vista Fibers), a partnership under Allied Vista, General Partner, is hereby approved for assignment to Mid-America Recycling Company; and, said assignment is consented to upon condition that the appended Attachment I, Affidavit to Effect Consent (in substantial form) and any other legal instrument, deemed necessary by the Office of the City Attorney, are duly executed by all parties necessary to bind the assignee, Mid-America Recycling Company, to fully perform said contract in all its terms and conditions. The City Manager, Interim City Manager, or his / her designee are authorized to execute such documents.

SECTION 2. Consent to said assignment shall not be fully effective until all forms and amounts of performance security, deemed necessary and sufficient by the City, are fixed in place to the City's satisfaction.

SECTION 3. The authority granted by this Ordinance to execute the appended Affidavit to Effect Consent and other legal instruments, as may be necessary in the City's discretion, shall expire forty -five (45) days from date hereof; and, to carry out the intent of this Ordinance, the Office of the City Attorney is hereby granted the authority to adjust the Affidavit to Effect Consent to Assignment and to create any other legal instrument necessary to the assignment to protect the interests of the City. The City Manager, interim or designee, shall have authority to execute such documents.

SECTION 4. The authority granted by this Ordinance further presupposes continued approval of the assignee's financial credentials by the City's Department of Finance and ability of the assignee to provide sufficient performance security to the satisfaction of the City. In the event the Finance Department determines the assignee's financial credentials to be unsatisfactory to the City, or security shall fail to be timely fixed, the consent granted herein shall fail by operation of this Section 4 provision.

SECTION 5. This Ordinance shall be effective on May 1, 2005, unless approved by eight (8) affirmative votes, in which case this Ordinance shall be immediately effective.

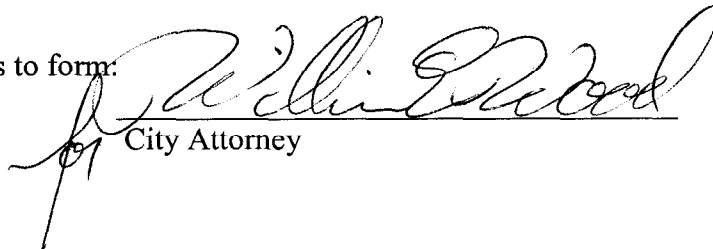
PASSED and APPROVED this 21st day of April, 2005.

ATTEST:


City Clerk


M A Y O R
EDWARD D. GARZA

Approved as to form:


City Attorney

Agenda Voting Results

Name: 24.

Date: 04/21/05

Time: 02:19:15 PM

Vote Type: Multiple selection

Description: An Ordinance approving or consenting to a proposed assignment of the Recycling Processing Services Contract between Vista Fibers of San Antonio, Ltd. ("Vista Fibers") and the City of San Antonio, to Mid-America Recycling Company upon completion of due diligence to confirm the proposed assignee is competent to perform. [Presented by Daniel V. Cárdenas, Director, Environmental Services; Melissa Byrne Vossmer, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR	Not present			